

JURISDICTION:

General Reference:

**WASHINGTON**

This chapter summarizes Washington State statutes related to speed.  
Revised Code of Washington Annotated and Washington Administrative Code (WAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.<sup>1</sup> §46.61.400(1) & (3)

Statutory Speed Limit:  
See Other below.

60 MPH on State highways §46.61.400(2)(c) **Important.** See "II" below under Posted (Maximum) Speed Limit below.  
50 MPH on county roads §46.61.400(2)(b)  
25 MPH on city or town streets §46.61.400(2)(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Secretary of Transportation may decrease the above speed limits on any State highway.<sup>2</sup> §46.61.405  
II. Based on engineering and traffic investigations, the State Secretary of Transportation may increase the above speed limits on any State highway.<sup>2</sup> However, a posted speed limit cannot be >70 MPH. §46.61.410(1)(a)  
III. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on streets and roads under its jurisdiction.<sup>2</sup> However, a posted speed limit cannot be established >60 MPH or <20 MPH. §46.61.415(1) & (2)  
IV. The State Secretary of Transportation or a local government may establish maximum speed limits for bridges, elevated structures, tunnels or underpasses within their jurisdiction. §46.61.450  
V. 15 MPH in State park camps, picnic, headquarters or general public assemblage areas or 25 MPH in other park areas. WAC 352-20-030

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §46.61.425(1)  
II. No person shall drive continuously in the left lane of a multilane roadway when it impedes the flow of traffic. §46.61.100(4)  
III. When driving a vehicle on a highway having two or more lanes of traffic in the same direction, a person shall drive in the right-hand lane except when traveling at a speed greater than the traffic flow. §46.61.100(2)

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Secretary of Transportation or a local government, may establish a minimum speed limit for highways, streets or roads within their jurisdiction. §46.61.425(2)

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<sup>1</sup>In addition, persons are required to exercise "due care and caution" when operating a motor vehicle. §46.61.445 Also, in a State park, a person shall not operate a motor vehicle at a speed greater than is reasonable and prudent, having due regard for the traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife. WAC 352-20-030

<sup>2</sup>I. The State Secretary of Transportation has the authority to alter speed limits on State highways even if such highways are within the limits of a town or city. §46.61.430 In order to avoid a conflict of authority, a city or town, desiring to alter a speed limit on a State highway within their jurisdiction, must obtain approval from the secretary for such alteration. §46.61.415(5) II. The State Secretary of Transportation also has the authority to establish different highway speed limits (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §46.61.405

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Other:

- I. 60 MPH is the maximum speed limit for vehicles weighing >10,000 lbs.<sup>3</sup>
- II. Except when a lower speed limit is authorized, the maximum speed limit in a marked school or playground crosswalk is 20 MPH. The speed zone extends 300 ft. in either direction of the marked crosswalk. §46.61.440(1)
- III. A person cannot operate a vehicle that is equipped with solid rubber or hollow center cushion tires >10 MPH. §46.61.455
- IV. The State Secretary of Transportation may establish a speed limit for any roadway construction zone via traffic control devices. §46.61.527(2)

### Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Generally, Speed Law Violations are Traffic Infractions. §§46.61.100(4) & 46.63.020 **Important.** See Reckless Driving.

Other:

### Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,  
Etc.):

**None**

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than **\$250**<sup>4</sup> §46.61.110(1)

Mandatory Min. Fine (\$):

**None**

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<sup>3</sup>Based on engineering and traffic investigations, the State Secretary of Transportation may establish a lower speed limit for these vehicles. §§46.61.405 & 46.61.410(2)

<sup>4</sup>**Fine Schedule.** The State supreme court is required to establish a monetary penalty schedule for traffic infractions. §46.63.110 Under this law, the court, via a court rule, has established the following fines for speeding offenses. I. For speed limits >40 MPH, the following fine schedule applies: 1 to 5 MPH over the speed limit-**\$20**; 6 to 10 MPH over the speed limit-**\$30**; 11 to 15 MPH over the speed limit-**\$45**; 16 to 20 MPH over the speed limit-**\$60**; 21 to 25 MPH over the speed limit-**\$75**; 26 to 30 MPH over the speed limit-**\$95**; 31 to 35 MPH over the speed limit-**\$125**; 36 to 40 MPH over the speed limit-**\$145**; >40 MPH over the speed limit-**\$175**. II. For speed limits ≤40 MPH, the following fine schedule applies: 1 to 5 MPH over the speed limit-**\$30**; 6 to 10 MPH over the speed limit-**\$35**; 11 to 15 MPH over the speed limit-**\$50**; 16 to 20 MPH over the speed limit-**\$70**; 21 to 25 MPH over the speed limit-**\$95**; 26 to 30 MPH over the speed limit-**\$120**; 31 to 35 MPH over the speed limit-**\$145**; >35 MPH over the speed limit-**\$175**. III. The following fine schedule applies for other speeding and other related offenses: Speeding too fast for conditions-**\$35**; impeding traffic-**\$35**; speeding in State parks-**\$35**; and, on a multilane highway, failure to drive in the right lane except when traveling at a speed greater than the traffic flow. Washington Court Rule 6.2

Sanctions Following an Adjudication of a Speed Law Violation:  
(continued)

Other Penalties:  
Traffic School:  
Other:

I. For traffic infractions, an offender may be allowed to preform community service in lieu of a fine. §46.63.120

II. **Double Fines.** There is a mandatory fine for exceeding the speed limit in a either a marked school/playground crosswalk or a construction zone which is **double** the normal amount. §§46.61.440(2) & 46.61.527(3)

Licensing Action:  
Type of Licensing Action  
(Susp/Rev):  
Term of License Withdrawal  
(Days, Months, Years, etc.):

**Suspension** Based Upon Frequent Violations<sup>5</sup> §46.20.291(3)

Not more than **1 year** §46.20.311(1)

Mandatory Minimum Term of  
Withdrawal:

**None** This licensing action is discretionary.<sup>6</sup> §46.20.291 Note: If a person's license is suspended, an occupational license is available. §46.20.391(2)

Miscellaneous Sanctions  
Not Included Elsewhere:

**Public Safety and Education Assessment.** In addition to any other fine, an offender is subject to two public safety and education assessments. The first assessment is equal to 60% of any fine imposed. The second is equal to 50% of the first. §3.62.090(1) & (2)

**Other Monetary Penalties.** An offender is also subject to a \$5 fee which is used to support the emergency medical services and trauma case system. §46.63.110(6)

Other Criminal Actions Related to Speeding:

Racing on Highway<sup>7</sup>:  
Sanctions:  
Criminal Sanction:  
Imprisonment (Term):  
Mandatory Minimum Term:

Gross Misdemeanor §§46.61.500(1) & 46.61.530

Not more than **1 year** §46.61.500(1)

**None**

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<sup>5</sup>Licensing action is based upon frequent traffic law violations which indicate a disrespect for these laws. §46.20.291(3) A person is considered a frequent violator of the traffic laws if they either commit 4 traffic offenses within 12 months or 5 such offenses within 24 months. WAC 308-104-035

<sup>6</sup>In lieu of suspension, the licensing agency may place the offender on probation on such terms as considers appropriate. §46.20.335 In addition, if the offender's license has been suspended, they may be eligible for occupational driving privileges. §46.20.391

<sup>7</sup>Racing on the highways is considered a reckless driving offense. §46.61.530

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Fine (\$ Range): Not more than **\$5,000** §46.61.500(1)  
Mandatory Minimum Fine: **None**

### Other Criminal Actions Related to Speeding: (continued)

#### Racing on the Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

**Suspension** §46.61.500(2) 3rd offense (within 2 years)-**Revocation** §46.20.285(7)

Length of Term of

Licensing Withdrawal:

Suspension-30 days to 1 year §§46.61.500(2) & 46.20.311 3rd offense (within 2 years)-Revocation-1 year §§46.20.285(7) & 46.20.311(2)

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension-None<sup>8</sup> §46.61.500(2) Revocation-3rd offense (within 2 years)-**1 year** §§46.20.285(7) & 46.20.311(2)

Other:

**Public Safety and Education Assessment.** In addition to any other fine, an offender is subject to two public safety and education assessments. The first assessment is equal to 60% of any fine imposed. The second is equal to 50% of the first. §3.62.090(1) & (2)

#### Reckless Driving<sup>9</sup>:

Sanction:

Criminal:

Imprisonment (Term):

Gross Misdemeanor §46.61.500(1)

Mandatory Minimum Term

of Imprisonment:

Not more than **1 year** §46.61.500(1)

Fine (\$ Range):

**None**

Mandatory Minimum Fine:

Not more than **\$5,000** §46.61.500(1)

**None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

**Suspension** §46.61.500(2) 3rd offense (within 2 years)-**Revocation** §46.20.285(7)

Length of Term of License

Withdrawal Action:

Suspension-30 days to 1 year §§46.61.500(2) & 46.20.311 3rd offense

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<sup>8</sup>An offender is eligible for occupational driving privileges. §46.20.391(1) However, such privileges are **not** available if the offender has had, within 1 year, a previous offense that requires mandatory suspension or revocation. §46.20.391(3)(a)

<sup>9</sup>Exceeding the maximum lawful speed limit is *prima facie* evidence of reckless driving. §46.61.465 & *State v. Amurri*, 753 P.2d 540 (Wash.App. 1988) In addition, it is unlawful for any person to operate a motor vehicle while embracing another individual if such would prevent the free and unhampered operation of the vehicle. A violation of this prohibition is *prima facie* evidence of reckless driving. §46.61.665

Mandatory Term of License	(within 2 years)- <u>Revocation-1 year</u> §§46.20.285(7) & 46.20.311(2)
Withdrawal Action:	<u>Suspension-None</u> <sup>8</sup> §46.61.500(2) <u>Revocation-3rd offense</u> (within 2 years)- <b>1 year</b> §§46.20.285(7) & 46.20.311(2)

Other Criminal Actions Related to Speeding:  
(continued)

Reckless Driving:  
Other:

**I. Penalty Assessment.** There is a mandatory penalty assessment of **\$500**.  
§7.68.035(1)(a) & (2)

**II. Public Safety and Education Assessment.** In addition to any other fine, an offender is subject to two public safety and education assessments. The first assessment is equal to 60% of any fine imposed. **III. Reckless Endangerment of Roadway Workers.** It is a gross misdemeanor to drive a vehicle in a roadway construction zone in such a manner as to endanger or likely to endanger any persons or property. The sanctions for this offense are imprisonment in the county jail for not more than **1 year** and/or a fine of not more than **\$5,000**. In addition, the offender's driving privileges are **suspended** for a mandatory period of **60 days**. §§9A.20.021(2) and 46.61.527(4) & (5)

Negligent Driving<sup>10</sup>:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term  
of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Traffic Infraction §46.61.525(1)(a) & (c)

**None**

Not more than **\$250** §46.61.525(1)(c)

**None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

**Suspension** Based Upon Frequent Violations<sup>5</sup> §46.20.291(3)

Not more than **1 year** §46.20.311(1)

<sup>10</sup>Negligent driving (second degree) is defined as operating "a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property." §46.61.525(1)(a) The term "negligent" is defined to mean "the failure to exercise ordinary care, and is the doing of some act that a reasonable careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances." §46.61.525(2)

**Important.** A person commits negligent driving in the first degree, a misdemeanor, if (1) they operate a motor vehicle in a negligent manner likely to endanger persons or property and (2) they exhibit the effects of having consumed alcohol or an illegal drug. It is a defense to this offense if the person had a valid prescription for the drug consumed. The sanctions for this offense are a jail term of not more than 90 days and/or a fine of not more than \$1,000. In addition, there is a mandatory penalty assessment of \$250. §§7.68.035(1)(a) & (2), 9A.20.010(2), 9A.20.021(3), 46.61.050 and 46.61.5249

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### Mandatory Term of License

#### Withdrawal Action:

**None** This licensing action is discretionary.<sup>6</sup> §46.20.291 Note: If a person's license is suspended, an occupational license is available. §46.20.391(2)

#### Other:

I. For traffic infractions, an offender may be allowed to preform community service in lieu of a fine. §46.63.120

II. **Public Safety and Education Assessment.** In addition to any other fine, an offender is subject to two public safety and education assessments. The first assessment is equal to 60% of any fine imposed. The second is equal to 50% of the first. §3.62.090(1) & (2)

### Other Criminal Actions Related to Speeding: (continued)

#### Negligent Driving: (continued)

#### Other: (continued)

III. **Other Monetary Penalties.** An offender is also subject to a \$5 fee which is used to support the emergency medical services and trauma case system. §46.63.110(6)

### Commercial Motor Vehicle (CMV) Operators<sup>11</sup>:

#### Grounds for Disqualification:

A person is disqualified from operating a CMV, if within a 3 year period, while driving such a vehicle they either (1) commit 2 "serious traffic violations"<sup>12</sup> or (2) commit 3 such violations. §46.25.090(5)

#### Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §46.25.090(5)

#### Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §46.25.090(5)

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<sup>11</sup> A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §46.25.010(6)

<sup>12</sup> A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §46.25.010(16)